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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,464

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EXAMINER

SINGH, AMRESH

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/597,464	Applicant(s) EMURA ET AL.	
	Examiner AMRESH SINGH	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This action is responsive to application filed on 05/07/2008

Claims 1-8, 10-15 and 16 are presented for examination.

This is a **Non-Final Action**.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8, 10-16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites “an apparatus” comprising: “an input section”, “a display section”, “a material data storage section”, “a text string/material correspondence table”, "a hierarchical structure", "a search section", "a registration section", and "a text string/CG conversion process section". Each of these elements can be reasonably interpreted in view of the specification as just software. Thus, the body of the claim does not define any specific hardware (i.e. a processor, memory) to execute the recited method. The claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Therefore, the claimed system is not limited to embodiments which include the hardware necessary to enable any underlying functionality to be realized, instead being software per se, and is therefore non-statutory.

Claims 2-8, and 10-15 are dependent upon Claim 1, respectively, suffer from deficiencies similar to their respective base claims, and therefore are likewise rejected.

Claim 16 recites a method comprising: “providing a text string/material correspondence table”, “providing a hierarchical structural description”, “searching for material data”, "storing searched material data", "registering the searched material data", "referring to the text string/material”, "acquiring material data", and "creating the computer graphics". A method claim must be either (a) tied to another statutory category (such as an apparatus) or (b) transform underlying subject matter to a different state or thing. Claim 16 recites a method by itself that is not tied to another statutory category. Thus the claim is directed towards non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-16 are rejected under 35 U.S.C. 102 (b) as being anticipated by Devoino et al. (US 2002/0016707)

With respect to Claim 1, Devoino teaches, An image creating apparatus, comprising:
an input section that inputs various information; (Figure 1: Element 10 – input text, Devoino)

a display section that displays the various information; (Figure 4 - displays graphical representation of the various text input, Devoino)

a material data storage section that stores material data for creating computer graphics; (Figure 1: Element 100 – Graph unit displays Model data as a graphical representation,)

a text string/material correspondence table in which the material data is associated with a set of material names for the material data; (Figure 1: Element 100 – represents the functional model in a graphical representation, Devoino)

a hierarchical structural description that describes a feature of the material data in a hierarchical structure; (Figure 1: Element 70 – semantic items unit store all the hierarchical relationships about features and operations of a model, Devoino)

a search section that, when the feature is input from the input section, searches for material data corresponding to the feature using the hierarchical structural description; (Figure 1: Element 80 – an item processor unit that calculates all the possible relationship and features once a input is recieved, Devoino)

a registration section that stores the searched material data in the material data storage section and registers the searched material data and a material name of the material data with the

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text string/material correspondence table; (Figure 1: Element 190 – a model data store all the functional model received from the item processor unit, Deviono) and

a text string/CG conversion processing section that, when a text to designate the material name is input to an input screen, refers to the text string/material correspondence table, searches for a material name, with which the input text partially matches, acquires material data corresponding to the material name, and creates the computer graphics using the acquired material data. (Figure 3 and Figure 4 – when a text is input in the text input screen a functional model is drawn, Deviono)

With respect to Claim 2, Deviono teaches, The image creating apparatus according to claim 1, wherein, when the feature is input, the search section refers to the hierarchical structural description, searches for a feature of a lower hierarchy than the input feature, and searches for material data corresponding to the searched feature of the lower hierarchy. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 3, Deviono teaches, The image creating apparatus according to claim 1, wherein, when the feature is input, the search section refers to the hierarchical structural description, searches for a feature of a higher hierarchy than the input feature, and searches for material data corresponding to the searched feature of the higher hierarchy. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and

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the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 4, Deviono teaches, The image creating apparatus according to claim 1, further comprising a display control section that displays a list of the searched feature in the display section, wherein, when a feature is selected from the list, the search section searches for material data for the selected feature. (Page 2: Paragraph [0037] - use can change the image by drawing updating models already present, these changes are then send to model data unit to search the feature and display the feature making sure the selected model is correct, Deviono)

With respect to Claim 6, Deviono teaches, The image creating apparatus according to claim 4, wherein the display control section displays a predetermined number of features. (Figure 8: shows predetermined numbers of features associated with a component element, Deviono)

With respect to Claim 7, Deviono teaches, The image creating apparatus according to claim 1, wherein the feature is defined by an attribute and a value of the attribute. (Page 4: Paragraph [0037] – “Specific components and parameters are drawn on the screen” - features such as controlling water pressures are drawn on the screen in Figure 4 these features can be a parameter of the whole item, Deviono)

With respect to Claim 8, Deviono teaches, The image creating apparatus according to claim 1, wherein:

the hierarchical structural description describes the feature related to the material data stored on a network;

the search section searches for the material data stored on the network; and

the registration section registers the material data stored on the network. (Figure 1: Each element shown in the figure can be on a network, Deviono)

With respect to Claim 10, Deviono teaches, The image creating apparatus according to claim 1, wherein:

the material name is further associated with an expression adjective which indicates an expression;

the text string/CG conversion processing section, when a text which designates the expression adjective is input, searches for the expression adjective with which the input text partially matches; and

the display control section displays the expression adjective. (Page 3: Paragraph [0044]: Lines 1-5 - "expression 'part of', 'include', 'consists of'" are described in a hierarchy relationship and displayed", Deviono)

With respect to Claim 12, Deviono teaches, The image creating apparatus according to claim 1, wherein:

the material data comprises at least one of action data, character data, object data, and set data; (Claim 1 – S“A”O structure - action data, Deviono)

the material name comprises an action name, a character name, an object name, and a set name corresponding to the action data, the character data, the object data, and the set data, respectively; (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono) and

the text string/material correspondence table comprises a text string/action correspondence table, a text string/character correspondence table, and a text string/set correspondence table corresponding to the action data, the character data, the object data, and the set data, respectively. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 13, Deviono teaches, The image creating apparatus according to claim 12, wherein:

the action name is associated with the character data; (Claim 1 – S“A”O structure – Subject –action-object relationship, Deviono) and

the text string/CG conversion processing section searches for the action name corresponding to a selected character data. (Page 2: Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the

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items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 14, Deviono teaches, The image creating apparatus according to claim 12, wherein:

the action data comprises an object; (Claim 1 – S“A”O structure – Subject –action-object relationship, Deviono) and

the text string/CG conversion processing section, when an object name to indicate an object which the action data comprises is input, acquires object data corresponding to the input object name and creates the computer graphics using the acquired object data. (Page 2:

Paragraph [0033]: Lines 1-6 – once the input is complete the items unit 70 stores all the items shown and the item process unit 80 searches the items and builds all the possible relationships between present items, searching upper and lower hierarchy, Deviono)

With respect to Claim 15, Deviono teaches, The image creating apparatus according to claim 14, wherein the text string/CG conversion processing section, when a text which designates an object name to indicate an object which the action name comprises is input, refers to the text string/set correspondence table and searches for the object name with which the input text partially matches. (Claim 14 – looks for variation of SAO structure and elements incase a mage is erroneous such a partial match, Deviono)

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With respect to Claim 16, Deviono teaches, An image creating method, comprising the steps of:

providing a text string/material correspondence table in which material data for creating computer graphics is associated with a set of material names of the material data; (Figure 1: Element 100 – represents the functional model in a graphical representation from input from a user, Deviono)

providing a hierarchical structural description which describes a feature of the material data in a hierarchical structure; (Figure 1: Element 70 – semantic items unit store all the hierarchical relationships about features and operations of a model, Deviono)

searching for material data corresponding to the feature by using the hierarchical structural description when the feature is input; (Figure 1: Element 80 – an item processor unit that calculates all the possible relationship and features once a input is recieved, Deviono)

storing the searched material data; (Figure 1: Input from user is broken in SAO and stored in the database, Deviono)

registering the searched material data and the material name of the searched material data with the text string/material correspondence table; (Figure 1: SAO structure represents a table that links the subject to the action to the object in a hierarchical manner, Deviono) and

referring to the text string/material conversion table when a text to indicate the material name is input in an input screen, searching for a material name with which the input text partially, matches, acquiring material data corresponding to the material name; (Claim 14 – looks for variation of SAO structure and elements incase a mage is erroneous such a partial match, Deviono) and

creating the computer graphics by using the acquired material data. (Figure 3 and Figure 4 – when a text is input in the text input screen a functional model is drawn, Deviono)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Deviono et al. (US 2002/0016707) in view of OFFICIAL NOTICE.

All the limitations of Claim 4 are taught above.

With respect to Claim 5, Deviono does not teach, wherein the display control section displays a list of thumbnails of the material data for the feature selected from the list. However, it is well known in the art to use thumbnail to represent items and another listed data for better representation. OFFICIAL NOTICE IT TAKEN. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to allow for usage of thumbnails of objects when selecting a object instead of just using a object name, allowing for a faster representation of said object.

All the limitations of Claim 1 are taught above.

With respect to Claim 11, Deviono does not teach, the expression containing a adverb with the expression. However, the relationship of the expression to a object and parameter has been shown in Deviono, allowing for a relationship of expression with a adverb to be shown. OFFICIAL NOTICE IS TAKEN. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to allow for "adverb" to be used in the expression such as when temperature is described in Figure 4, How high the temperature should be can easily be associated in the SAO structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMRESH SINGH whose telephone number is (571)270-3560. The examiner can normally be reached on Monday - Thursday, 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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